

REMARKS

Claims 1 and 16 have been amended to more particularly point out and distinguish the present invention from the Ogden patent relied upon by the Examiner. Claim 1 now specifies that the pads are directed outwardly from the sock and extend from the outer surface of the sock. This feature is clearly shown in Figure 1 of the drawing and adds no new matter. Claim 16, as amended, recites that at least one side climate conduit (7) extends along the side of shaft (A) of the sock to the treading area (1) of the foot section (B). This feature is shown in Fig. 1 and clearly described in paragraph [0016] of the specification and adds no new matter. Claims 1-22 remain for consideration.

Claims 1-22 were rejected as being anticipated by Ogden (US 5,708,985). The Examiner appears to have misinterpreted the teachings of Ogden as related to the present invention. The Examiner has taken the view that Ogden teaches the pads being directed outwardly from the body of the sock. Further, the Examiner posits that the pads of Ogden can adapt to any load applied to them including the load profile of the foot. Moreover, the Examiner suggests that the side climate conduits are anticipated by Ogden because of the intermediate spaces at the heel and the toe and the top portion of the foot of the sock. The Ogden sock 10, 10' comprises a leg portion 12 and a foot portion 14. The foot portion 14 has a heel 16 at one end, including a heel pocket 18, and a toe 20 at the opposite end. Provided between the heel 16 and the toe 20 are an instep portion 22 engageable with the upper half of the foot and a sole portion 24 engageable with the bottom half of the foot. The instep portion 22 and the sole portion 24 have opposed sides, which are joined together along their edges to form the completed foot portion 14 of the sock (col. 4,

lines 38-48). The sole portion 24 is initially formed with an outer layer 28 consisting of at least one course of yarns preferably knitted with a flat knit stitch (col. 5, lines 1-4). The sole portion 24 of the sock 10 further includes a number of longitudinally space ribs 36, which extend substantially parallel to one another from approximately the heel 16 to the toe 20 of sock 10. The ribs 36 are made of terry loops 38. The terry loops 38 extend from the inner surface 32 of outer layer 28 inwardly, that is, within the interior of the sock 10 in a direction toward the instep portion 22 thereof. (col. 5, lines 22-30).

In an alternative embodiment depicted in Fig. 4C, ribs 37 are formed by multiple additional courses of flat stitch 39 instead of terry loops 38. The flat stitches 39 extend inwardly from the inner surface 32 of outer layer 28.

Additionally, claim 1 of Ogden recites a sole portion that includes longitudinally spaced ribs formed by at least one additional knitted course of yarn extending from the inner surface in a direction toward instep portion and in a position to contact the plantar surface of a foot. The thrust of Ogden is directly contrary to the present invention. Whereas in Ogden the terry loops or flat stitches extend inwardly, in the present invention the pads extend outwardly from the outer surface of the sock. Claim 1 is patentable over Ogden and should be allowed. Claims 2-15 are dependent upon claim 1 or are based upon claim 1 and should be allowed together with claim 1 for the reasons stated.

Turning to claim 16, Applicant submits that there is no suggestion of the climate conduit 7 of the present invention found in Ogden. As seen from Figure 1 of the drawing and the description of the present invention, for example, in paragraph [0016], the side climate conduit 7

runs along the side of shaft A of the sock to the tread area 1 of the foot section B and leads into an intermediate space 6 on the treading area (1) between the separated pads. In the last rejection, the Examiner considers the side climate conduit to be the "area continuing from the intermediate spaces (44 and 50) at the heel (19') and at toe (20') and the top portion of the foot of the sock (see figures 2 and 3 from other embodiment)" and "extends along the side of the sock and leads into one intermediate space (44, 50) on the treading area created between the separate pads (Figure 5)". This view of the Examiner is contrary to the actual teachings of Ogden. The gaps 44 and transverse spaces of Ogden are on the inner side of the treading area. The transverse spaces are arranged at right angles to the gaps 44. These gaps and spaces do not extend along the shaft of the sock. There is no connection between the intermediate spaces of the sole portion 24 of Ogden and the leg portion 12. The Examiner appears to have misinterpreted the Ogden patent with respect to claim 16. Clearly there is no anticipation of claim 16 by Ogden. Claim 16 should be allowed over Ogden for the reasons stated above, together with claims 17-22 that depend from or are based upon claim 16.

Applicant notes that the present invention is intended to enhance the comfort of the user by providing socks that take into account the specific load profile of the treading area of the foot. The pads of the present invention are placed in the areas of the outer and inner balls of the foot, in the area of the heel and in the outer instep of the foot, only. These are the areas where about 88% of the load is absorbed. The support in these areas provide advantages nowhere suggested by Ogden. This is another reason for allowing claims 1-22 of the present application.

The undersigned counsel has been informed by associate counsel in Germany that all

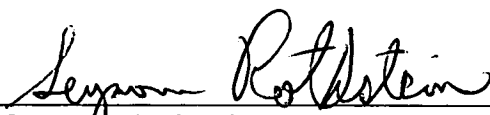
other Patent Offices where the present International Application National Phase has been adopted have cited US 4,651,354 (Petrey) as the prior art of main interest. This reference was cited in the first Office Action in the U.S. No other Patent Office has cited Ogden. Applicant respectfully requests reconsideration of the rejection of claims 1-22 on the basis of anticipation by Ogden.

Claims 1-22 patentably distinguish over Ogden and should be allowed.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this **AMENDMENT AFTER FINAL REJECTION** is being deposited with the United States Postal Service via Express Mail Label No.: EM 125705967 US in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on December 29, 2008


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